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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,106	02/27/2002	Tomihisa Kamada	Y-201 5217AC-PCT/US	9582
802	7590	08/11/2009	EXAMINER	
PATENTTM.US			HASHEM, LISA	
P. O. BOX 82788				
PORTLAND, OR 97282-0788				
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			08/11/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/070,106	<b>Applicant(s)</b> KAMADA, TOMIHISA	
	<b>Examiner</b> LISA HASHEM	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,8,9,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,8,9,14,15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **FINAL DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4, 8, 9, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 8, 9, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,832,230 by Zilliacus et al, hereinafter Zilliacus in view of U.S. Pat. No. 6,353,792 by Murthy.

Regarding claim 1, Zilliacus discloses a method for providing a storage area in a storage server (i.e. PC) for a portable data terminal (Fig. 1, 110; Fig. 2, 210; i.e. a mobile terminal) connected over a network (Figs. 1, 2; col. 5, lines 38-40; col. 6, lines 1-17) and a plurality of portable data terminals with associated users connected over the network (col. 1, line 46 – col. 2, line 6), said method comprising the steps of:

allocating a uniquely dedicated storage area for each user (col. 6, lines 1-17; col. 7, lines 1-15) (i.e. user of the mobile terminal uses a PC for a downloading service);

storing software, which is purchase-requested at a software sales site (i.e. a website) on the network by one of the users from a portable data terminal (i.e. mobile terminal) of said one of the users (col. 6, lines 18-52; col. 7, line 27 – col. 8, line 23), sent from the software sales site into

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one of dedicated storage area allocated uniquely to the user of the storage server without sending the software from the site directly to the portable data terminal of the user (col. 6, lines 1-17; col. 7, lines 1-15); and making available the software, stored in the dedicated storage area in said storage server, to the user in response to a request from the user (col. 6, lines 12-17; col. 7, lines 11-15; col. 8, lines 29-38).

Zilliacus discloses storing software, which is purchase-requested at a software sales site by a user of a portable data terminal into a unique dedicated storage area of a storage server. However, Zilliacus does not disclose providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said one of the storage areas.

Murthy discloses a method for providing storage areas (Fig. 1: 8, 10; i.e. mailboxes) in a storage server (Fig. 1, 7; i.e. central computer server) for a plurality of portable data terminals (Fig. 1, 13; workstations which are portable because they can be re-located) connected over a network (Fig. 1), said method comprising the steps of: allocating a uniquely dedicated storage area (i.e. mailbox) for each of users (Fig. 1, 12; i.e. user#1-user#3) of said plurality of portable data terminals (col. 5, lines 22-28); storing data (i.e. data, traffic monitoring information, messages), which is requested or downloaded at a data site (Fig. 1, 1; i.e. traffic monitoring device) on the network (Fig. 1) (col. 4, line 58 – col. 5, line 15; col. 7, lines 13-22) by one of a communicating device (Fig. 1, 3), from the data site (Fig. 1, 1) into one of dedicated storage areas uniquely allocated to said one of the users of the storage server (Fig. 1, 10) without sending the data from the data site directly to the portable data terminal (Fig. 1, 13) of said one of the users (Fig. 1, 12) (col. 4, line 58 - col. 5, line

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34; col. 8, line 66 – col. 9, line 25); and making available the data, stored in one of the dedicated storage areas in said storage server (Fig. 1, 10), to said one of the users in response to a request from said one of the users (col. 9, lines 43-51), while keeping the data in said one of the dedicated storage areas (i.e. providing a copy in a mailbox) (col. 9, lines 4-25).

Again, Zilliacus discloses the claimed method except Zilliacus discloses storing software, which is purchase-requested at a software sales site by a user of a portable data terminal into a unique dedicated storage area of a storage server. However, the claimed feature of providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said one of the storage areas was old and well known in the art. Murthy teaches such concept.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Zilliacus to include providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said one of the storage areas as taught by Murthy. One of ordinary skill in the art would have been lead to make such a modification of Zilliacus to include providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said one of the storage areas, such as the storage server of Murthy, to the method of Zilliacus so a user of a portable data terminal among a plurality of users can purchase software that is selected and downloaded from a website to the user's unique storage area and then further download the software to the user's portable data terminal based on a user request while keeping a copy of the software in the storage area.

Regarding claim 2, the method for providing storage areas according to claim 1, wherein Zilliacus discloses an expiration date until which the user is allowed to use the software stored in said storage server is set, further comprising the step of making the software, which is in the dedicated storage area, unavailable to the user after the expiration date (i.e. wherein the application will delete itself automatically, even if the application is stored on the PC because the application is formatted with a lifetime) (col. 6, lines 1-67; col. 7, lines 1-50).

Regarding claim 3, the method for providing storage areas according to claim 1, wherein Zilliacus discloses further comprising the step of charging one of the users for the purchase-requested software when the purchase-request is made, when said one of the users downloads the software from said one of the dedicated storage areas, or when said one of the users indicates an intention to continue to use after a trial period passes after the downloading (col. 8, lines 29-38; col. 8, lines 45-51).

Regarding claim 4, the method for providing a storage area according to claim 1, wherein Zilliacus further discloses further comprising the steps of:  
storing software, which is not purchase-requested by the user (e.g. initially downloading an application without a fee), into the dedicated storage area (e.g. PC);  
allowing the user to select the software not purchase-requested; and  
charging the user for the software when the user downloads the selected software or when the user indicates an intention to continue to use after a trial period (e.g. downloading the same application on a different occasion for a reduced fee) (col. 7, line 27 – col. 8, line 37; col. 8, line 61 – col. 9, line 5).

Regarding claim 14, the method for providing a storage area according to claim 1, wherein Zilliacus discloses further comprising the steps of:  
accepting a purchase request of software from the user at the software sales site; and  
receiving, according to said purchase request,  
the purchase-requested software or identification information associated therewith at a site of said storage server such that said purchase-requested software or identification information associated therewith is stored into said dedicated storage area allocated to the user  
(col. 6, lines 1-17; col. 7, lines 1-15; col. 8, lines 23-38).

Regarding claim 15, the method for providing a storage area according to claim 1, wherein Zilliacus discloses said step of storing software into a dedicated storage area allocated uniquely, is performed after the software is purchase-requested at a software sales site on the network by the user (col. 6, lines 1-17; col. 7, lines 1-15; col. 8, lines 23-38).

Regarding claim 8, Zilliacus discloses a storage server (i.e. PC) connected to a portable data terminal (Fig. 1, 110; Fig. 2, 210) over a network (Figs. 1, 2; col. 5, lines 38-40; col. 6, lines 1-17) and a plurality of portable data terminals (i.e. mobile terminals) with associated users connected over the network (col. 1, line 46 – col. 2, line 6), said storage server comprising: a storage unit having a dedicated storage area, uniquely allocated to an individual user of a portable data terminal (col. 6, lines 1-17; col. 7, lines 1-15) (i.e. user of the mobile terminal uses a PC for a downloading service); means for receiving or downloading software, which is purchase-requested by one of the users from a portable data terminal (i.e. mobile terminal) of said one of the users, sent from a software sales site (i.e. a website) on the network by one of the users (col. 6, lines 18-52; col. 7, line 27 – col. 8, line 23) for storing the software into the

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dedicated storage area uniquely allocated to said one of the users (col. 6, lines 1-17; col. 7, lines 1-15); a management table (Fig. 2, 232; i.e. application-license database) storing therein management information (Fig. 2: 234, 236, 238) about the software stored in the dedicated storage area of the user (col. 5, lines 38-49; col. 7, line 27 – col. 8, line 3); and means for referencing said management table in response to access from one of the users and for sending the software (col. 5, lines 38-49; col. 7, line 27 – col. 8, line 3), which is stored in the dedicated storage area uniquely allocated to said one of the users, to the portable data terminal of said one of the users (col. 6, lines 12-17; col. 7, lines 11-15; col. 8, lines 29-38).

Zilliacus discloses storing software, which is purchase-requested at a software sales site by a user of a portable data terminal into a unique dedicated storage area of a storage server. However, Zilliacus does not disclose providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said one of the storage areas.

Murthy discloses a storage server (Fig. 1, 7; i.e. central computer server) connected to a plurality of portable data terminals (Fig. 1, 13; workstations which are portable because they can be re-located) over a network (Fig. 1), said storage server comprising: a storage unit having dedicated storage areas (Fig. 1, 10; i.e. user mailboxes), each uniquely allocated to an individual user (Fig. 1, 12; i.e. user#1-user#3) of one of said plurality of portable data terminals (col. 5, lines 22-28); means for receiving data (i.e. data, traffic monitoring information, messages), which is requested or downloaded by one of the users of said plurality of portable data terminals, from a data site (Fig. 1, 1; i.e. traffic monitoring device) on the network (Fig. 1) for storing the data into one of the dedicated storage areas (Fig. 1, 10) uniquely allocated to said one of the



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users (Fig. 1, 12) (col. 4, line 58 - col. 5, line 34; col. 8, line 66 – col. 9, line 25); and means for sending the data, which is stored in one of the dedicated storage areas uniquely allocated to said one of the users (Fig. 1, 10), to the portable data terminal (Fig. 1, 13) of said one of the users (Fig. 1, 12) (col. 4, line 58 - col. 5, line 34; col. 8, line 66 – col. 9, line 25), while keeping the data intact in said one of the dedicated storage areas (i.e. providing a copy in a mailbox) (col. 9, lines 4-25).

Again, Zilliacus discloses the claimed storage server except Zilliacus discloses storing software, which is purchase-requested at a software sales site by a user of a portable data terminal into a unique dedicated storage area of a storage server. However, the claimed feature of providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said of one of the storage areas was old and well known in the art. Murthy teaches such concept.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the storage server of Zilliacus to include providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said of one of the storage areas as taught by Murthy. One of ordinary skill in the art would have been lead to make such a modification of Zilliacus to include providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said of one of the storage areas, such as the storage server of Murthy, to the storage server of Zilliacus so a user of a portable data terminal among a plurality of users can purchase software that is selected and downloaded from a website to the user's unique storage area and then further download the software to the user's

portable data terminal based on a user request while keeping a copy of the software in the storage area.

Regarding claim 9, the storage server according to claim 8, wherein Murthy discloses said storage unit further comprises a common storage area (Fig. 1, 8) in which an application program body is stored as the software for common use by a plurality of users and wherein data associated with the application program body and corresponding to each user is stored separately in the dedicated storage area of the user (col. 5, lines 17-34; col. 9, lines 4-25).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

6. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Olisa Anwah/  
Primary Examiner, Art Unit 2614

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/Lisa Hashem/  
Examiner, Art Unit 2614  
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